

City Council Regular Meeting
October 17, 2005

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

October 17, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Vice Mayor Scattini on October 17, 2005, at 6:06 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, and Doug Emerson, City Manager Clint Quilter, City Attorney Elaine Cass and City Clerk Geri Johnson.

ABSENT: Mayor Pauline Valdivia and City Council Member Monica Johnson.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of October 17, 2005, was posted on the bulletin board at City Hall on October 14, 2005, at 2:00 p.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Vice Mayor Scattini announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential

cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

Council Member Pike moved to recess to Closed Session at 6:07 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a 3-0-2 vote, Mayor Valdivia and Council Member Johnson absent.

Council Member Monica Johnson present at 6:10 p.m.

The City Council reconvened at 6:50 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: Mayor Pauline Valdivia.

STAFF PRESENT: Community Services Director Clay Lee, Police Captain Robert Brooks, Fire Chief Bill Garringer, Interim Deputy Public Works Director Steve Wittry, Assistant Engineer Luis Aguilar, Administrative Services Director Robert Galvan, Interim Community Services Director Billy Avera, Code Enforcement Officer Mike Chambless, and Airport Manager Bill Gere.

VERIFICATION OF AGENDA POSTING:

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PROCLAMATION:

Vice Mayor Scattini proclaimed October 23-31, 2005, to be Red Ribbon Week in the City of Hollister. Council Member Pike read and presented the Proclamation to Juanita Luna of the San Benito County Substance Abuse program.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had met in Closed Session to discuss the following, no action was taken except that the City Attorney was authorized to file an appeal on item 2 below on a 3-1-1 vote, Council Member Scattini voting No and Mayor Valdivia absent.

1. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - 1 potential case was discussed.
2. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) -
 - a. Nicholson v. Hollister, Case No. CU-04-00063
3. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union, Local 3395; Hollister Peace officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

A. CONSENT RESOLUTION (October 17, 2005):

1. Minutes of Regular Meeting of October 3, 2005.
 - (a) Approved the Minutes of the Regular Meeting of October 3, 2005, as submitted.
2. Warrant Registers.
 - (a) Received transmittals, Warrant Registers, from Administrative Services Director Galvan.
 - (b) Ratified and approved Warrant Registers dated:
September 30, 2005, in the amount of \$80,201.68
October 7, 2005, in the amount of \$366,609.83
3. Resolution No. 2005-143, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2006 COMMUNITY MEDIA ACCESS PARTNERSHIP (CMAP) ANNUAL PLAN.
 - (a) Received transmittal dated October 6, 2005, Consider Resolution No. 2005-143, A Resolution of the City Council of the City of Hollister Adopting the 2006 Community Media Access Partnership (CMAP) Annual Plan, from Community Services Director Lee.
 - (b) Adopted Resolution No. 2005-143, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2006 COMMUNITY MEDIA ACCESS PARTNERSHIP (CMAP) ANNUAL PLAN.
4. Resolution No. 2005-144, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL RED RIBBON WEEK ACTIVITIES.
 - (a) Received transmittal dated October 11, 2005, Consider Resolution approving temporary street closure for the Annual Red Ribbon Week

Program, from City Clerk Johnson.

- (b) Adopted Resolution No. 2005-144, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL RED RIBBON WEEK ACTIVITIES.
5. Resolution No. 2005-145, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL "NO TRICKS, JUST TREATS".
- (a) Received transmittal dated October 11, 2005, Consider Resolution approving temporary street closure for the Annual "No Tricks, Just Treats", from City Clerk Johnson.
 - (b) Adopted Resolution No. 2005-145, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL "NO TRICKS, JUST TREATS".
6. Claim Against the City - Davis.
- (a) Received transmittal dated October 11, 2005, Claim Against the City - Davis, from City Clerk Johnson.
 - (b) Denied the claim against the City filed by Joe Davis and authorized staff to send the Notice of Rejection of claim.

Council Member Emerson moved to adopt the Consent Resolution (October 17, 2005) as stated above. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia absent.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.
- (a) Joe Fowles, Hollister, CA announced his displeasure with regards to vandalism in the City of Hollister. There were 39 victims over the weekend of October 8 & 9. His windows were shot at and his cars were egged and this was the fifth time in the last ten years. Mr. Fowles asked the City Council for better police protection and believes that public safety should be a priority.
 - (b) Dion Cuneo, Hollister, CA addressed the City Council that he and his

- friends would like to have a bike park in Hollister. There is no place to ride and they would like something small and close to the skate park.
- (c) Jake Rau, Hollister, CA stated he supports Dion's request for a bike park. A bike park would give the kids something to do and a place to be so the police would not have to bust them for riding where they're not supposed to ride.
 - (d) Brian Lucas, Hollister, CA owns Off the Chain Bike Shop. He believes the kids need a place to ride and he supports them.
 - (e) Paul Miles Mendoza, Hollister, CA works for Off the Chain Bikes and the kids need a place to ride. He explained there are street bikes and dirt bikes. They can't use street bikes in the skateboard park and they can't ride on private property at Park Hill so they really would like a street bike park.
 - (f) Nancy Varos, Hollister, CA supports the motorcycle rally. She saw 8 police officers just standing at Fourth and San Benito Streets without directing traffic. And she expressed concern over a Modesto police officer who would not arrest a shop lifter who stole patches. The officer told the vendor to call the Hollister police.
 - (g) Fred Meyer, Hollister, CA wanted to verify that the email regarding FAA grants he sent to the City Council Members was received. Grants and CIP projects were completed at the Hollister Municipal Airport with a part-time airport manager and one full time maintenance person.
 - (h) Elizabeth Von Urff, Hollister, CA informed the City Council that her car had been stolen from her garage on October 6. The Police Department told her to let it go as they have no staffing. She said it is time to do something to hire more police officers.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

- 1. Conduct Appeal Hearing for Mrs. Sharon Sausedo.
 - (a) Received transmittal dated October 7, 2005, Conduct Appeal Hearing for Mrs. Sharon Sausedo, from Development Services Director Avera.
 - (b) This being the time and place as set by the City Council, the Appeal Hearing was opened at 7:16 p.m.
 - (c) Sharon Sausedo, Hollister, CA stated she is the appellant. She read a statement rebutting the accusations made by her neighbor, Mr. Foster, who filed the complaint regarding her Avon business. She does not have a store in her home, some of her clients come to the house to pick up orders when they need them before she can deliver, she has 6 ladies that help her obtain orders but they call in the orders.

- (d) Sherrie Zook, Hollister, CA is Mrs. Sausedo's daughter and also sells Avon. She stated that most of the cars going to Mrs. Sausedo's belong to family members. Mrs. Zook delivers to 90% of her customers, but some stop by her house to pick up their orders. People develop friendships with customers. Avon has a mentoring strategy. Her mother is not a distribution center but does have a small supply of favorite items. Mrs. Zook told the City Council that a decision to revoke her mother's home occupation license could have a huge impact on others.
- (e) Grace Watson, Hollister, CA has known Sharon Sausedo for 8 years and she is her Avon lady. Ms. Watson has never gone to Mrs. Sausedo's house.
- (f) Nancy DelaRosa, Hollister, CA sell Avon to help with extra income to support her daughter. She lives in the country and is so far off the road she can not receive deliveries so she must pick up the orders from Mrs. Sausedo's house. Ms. Dela Rosa stated she had never seen a lot of cars there.
- (g) Rosa Gaxiola, Hollister, CA has lived here for fifty years, started selling Avon due to a fixed income, and has gone to the Sausedo house maybe six times. Mrs. Sausedo has always helped and been there as a friend and is a good person. Ms. Gaxiola stated she has seen a lot of growth and some is good and some is bad. She also stated that the other neighbors do not complain.
- (h) Jess Rodriguez, Hollister, CA stated he is one of only four residents in the cul-de-sac, has never been asked for his opinion, and only received the letter regarding the Planning Commission meeting. He lives and works in Hollister and spends his money here, but was never asked for his opinion. He stated there is no retail store in Mrs. Sausedo's house. Mr. Rodriguez said there are enough people out of business now due to the building moratorium.
- (i) Dave Foster, Hollister, CA explained that he bears the brunt of the noise which is constant. As a neighbor he has seen Mrs. Sausedo had a business before but it got so big. There are 60 or so representatives in town, many come and go every day, 365 days per year. He doesn't want to put anyone out of business, but he wants everyone to follow the Municipal Code. Mr. Foster believes that Mrs. Sausedo's house is a distribution center.
- (j) Sharon Sausedo, rebutted that the 60 reps in Hollister is just a number of possible reps in all of Hollister and only 12 are under her. The delivery truck is smaller than a UPS truck. She has told people to turn down their radios and turn off their cars.
- (k) There being no other speakers for or against the matter, the Appeal

Hearing was closed at 7:45 p.m.

- (l) Council discussion. Council Member Pike stated he did visit the Sausedo's house.
- (m) Ray Friend, Hollister, CA is the Chairman of the Planning Commission clarified that at the Planning Commission meeting her customers made it sound like a distribution center. He also went to her house and saw no traffic but the violations of the Code need to be considered. Everyone needs to play by the same rules.
- (n) Council Member Emerson moved to support the decision of the Planning Commission to revoke the home occupation permit of Sharon Sausedo. Motion seconded by Council Member Johnson and carried by a 3-1-1 vote, Vice Mayor Scattini voting No and Mayor Valdivia absent.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-146, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL APPROPRIATION OF FUND #212 FOR THE AIRPORT PERIMETER FENCE PHASE 1, CIP 2319.
 - (a) Received transmittal dated October 12, 2005, Resolution of the City Council of the City of Hollister Approving a Supplemental Appropriation of Fund 212 for the Airport Perimeter Fence Project - Phase 1, CIP 2319, from Assistant Engineer Aguilar.
 - (b) Council Member Pike moved to adopt Resolution No. 2005-146, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL APPROPRIATION OF FUND #212 FOR THE AIRPORT PERIMETER FENCE PHASE 1, CIP 2319. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

The City Council recessed at 8:30 p.m.

The City Council reconvened at 8:39 p.m. All Members present per the second Roll Call.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.
 - (a) Council Member Emerson announced that the Homeless Shelter will be open Thanksgiving weekend. They received the grant through the

County but won't get the operating cash until December. The Board has hired a program manager and will operate the Shelter with four other part time staff members and unpaid volunteers.

2. Reports from City Council, City Manager, City Attorney, and Staff.

- (a) City Manager Quilter - a special City Council meeting will be held on October 24 for both the City Council and the Redevelopment Agency; he will report on his trip this Friday to the Regional Water Quality Control Board meeting; he will meet with representatives from HIRC tomorrow; and there will be a special meeting on November 14 to follow up the Retreat meeting.
- (b) City Attorney Cass - announced that staff will be participating with the County on Wednesday for an emergency exercise.
- (c) City Clerk Johnson - announced that the annual No Tricks, Just Treats will be held on October 29; and will be absent on November 7 due to a trip to our sister city - Takino Town, Japan.
- (d) City Council Member Pike, District 1 - sent get well wishes to Pauline; attended the League of California Cities annual conference where he listened to great speakers, attended good sessions, and enjoyed bonding with fellow Council Members and staff; he continues to work on emergency preparedness; also attended the Evening of Hope; is looking for additional statistics on the motorcycle rally and staffing at other events; glad to hear the kids ask for a bike park; and he was also a victim of the vandalism that occurred last weekend and suggested that we ramp up the neighborhood watch program.
- (e) City Council Member Emerson, District 4 - has received emails regarding an interest in a wine festival to be started next Fall; met with representatives he knew from San Jose to deal with gang activity and to possibly build a youth center as they have an interest in helping Hollister to deal with gangs; and he wished Pauline a speedy recovery.
- (f) City Council Member Johnson, District 5 - thanked Boutique de Lingerie for producing the Evening of Hope where they raised funds for scholarships for students of cancer victims; and she thanked Frank Leal for hosting the event at his winery.
- (g) City Council Member Scattini, District 2 - announced that Mayor Valdivia is due home from the hospital tomorrow; congratulated the Hollister Balers for winning the Prune Bowl; requested an update on an inventory of the City property; requested the asked for information regarding the stop signs at the Hollister Municipal Airport; wants answers to his questions in a timely manner; is concerned about the noise at Calaveras

park where they had a party that went from 11 a.m. to 2 a.m.; and he wants to see Hollister Police Department go back to black and whites.

(h) Mayor Valdivia, District 3 - absent.

3. Water and Wastewater Issues.

(a) Received oral report from City Manager Quilter.

(b) Information only; no City Council action taken.

4. Hollister Municipal Airport status report.

(a) Received oral report from Airport Manager Gere.

(b) Information only; no City Council action taken.

(c) Jay Skovbjerg, Hollister, CA announced that on Saturday there will be free airplane rides for kids up to 17 or 18 to introduce kids to aviation. There will also be a tour of the A & P (airframe and power plant) program at Gavilan College. This event will run from 9:00 a.m. to noon.

5. Request from the Ladies Auxiliary to the Veterans of Foreign Wars, Post 9242.

(a) This item continued to the meeting of November 7, 2005, at the request of the Ladies Auxiliary.

6. Plan for rehabilitation of the roof of the Elk's Club located on the Hollister Municipal Airport.

(a) Received transmittal dated October 6, 2005, Plan for rehabilitation of the roof of the Elks Lodge located on the Hollister Municipal Airport, from Airport Manager Gere. The roof is the City's responsibility.

(b) Deane Judd, Hollister, CA is a t-hangar tenant and asked what is the monthly annual lease payment from the Elk's Lodge. He believes that the Airport Enterprise Fund should not have to pay for the repair of the roof as it is not correct for aviators to pay. It should be the responsibility of the City to pay for the repair.

F. UNFINISHED BUSINESS:

None.

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October 17, 2005

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of October 17, 2005, was adjourned at 9:17 p.m. by motion of Council Member Pike. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geri Johnson", written over a horizontal line.

Geri Johnson, CMC
City Clerk